

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

FILED
Charlotte, NC

DOCKET NO. 5:21-CR-00060

MAR 28 2024

UNITED STATES OF AMERICA

v.

JESSIE LEROY GLASS, JR.

)
)
)
)
)

Clerk, US District Court
Western District NC

ORDER

THIS MATTER is before the Court on the United States' Motion for Preliminary Order of Forfeiture (Doc. No. 101). The United States requests, under Fed. R. Crim. P. 32.2 and 18 U.S.C. § 2253(a), that this Court enter an Order of Forfeiture for the LG and Samsung cellular phones that were involved in or used in the violations for which Defendant was convicted. For good cause shown and based on the preponderance of the evidence, the Court **GRANTS** the Motion, and **FINDS AS FOLLOWS**:

Under 18 U.S.C. § 2253(a), “[a] person who is convicted of an offense under this chapter involving a visual depiction described in section ... 2252A ... shall forfeit to the United States such person’s interest in ... any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.” Fed. R. Crim. P. 32.2 provides for the orders of forfeiture, pending petitions by third parties of seized assets. Forfeiture is appropriate upon a finding of a nexus, or connection, between the property and count(s) of convictions. Fed. R. Crim. P. 32.2(b)(1)(A). Here, Defendant was found guilty at trial of three counts of receiving child pornography in 18 U.S.C. § 2252A(a)(2), and one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). Further, the evidence heard at trial and the evidence and information in the sentencing materials establishes the nexus

between the cellular phones for which the Government seeks an order of forfeiture and the property is accordingly forfeitable under § 2253.

It is therefore **ORDERED**:

1. Based upon Defendant's conviction at trial and the evidence and information on the record, the United States is authorized to maintain possession of the following property, and the property is hereby forfeited to the United States for disposition according to law, provided, however, that such forfeiture is subject to any and all third-party claims and interests, pending final adjudication herein:

- **LG LS777 cellular phone, SN: 712CYFT0676435**
- **Samsung Galaxy S9 cellular phone, SN: R38KC0EXLYK**


2. Under 21 U.S.C. § 853(n)(1), the government shall publish notice of this order; notice of its intent to dispose of the property in such manner as the Attorney General may direct; and notice that any person, other than the Defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited property and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in property that is the subject of this Order of Forfeiture, as a substitute for published notice as to those persons so

notified.

3. Upon adjudication of third-party interests, if any, this Court will enter a final Order of Forfeiture under 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32(c)(2).
4. If no third-party files a timely claim, this Order of forfeiture shall become Final and shall be made part of the sentence and included in the judgment, as provided by Fed. R. Crim. P. 32.2(b)(4) and 32.2(c)(2).

SO ORDERED.

This the 28th day of March, 2024



HON. KENNETH D. BELL
UNITED STATES DISTRICT JUDGE